

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 29, 2009

CERTIFIED MAIL 91 7108 2133 3935 2054 7784
RETURN RECEIPT REQUESTED

Office Manager
McCoy Corporation
1200 IH-35 North, PO Box 1028
San Marcos, TX 78667



885192

Re: West County Road 112 Groundwater Plume, Midland, Midland County, Texas
West Front Midland, TX 79706, Property ID R000030409
Geographic ID 000579000010010

Dear OWNER/OFFICE MANAGER:

This letter is to inform you that a United States Environmental Protection Agency (EPA) Extended Site Inspection (ESI) has been scheduled for the West County Road 112 Groundwater Plume site the week of February 7, 2010. The Texas Commission on Environmental Quality (TCEQ) has information that you are the record owner or authorized representative of the above-referenced property. In order to complete the investigation, TCEQ is requesting permission from you to collect soil and groundwater samples related to the West County Road 112 Groundwater Plume Site in Midland County. The TCEQ is a duly authorized representative of the EPA. Employees of TCEQ may enter any facility where hazardous materials are generated, stored, treated, disposed, or transported to determine compliance with standards and regulations pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA) as amended, 42 U.S.C. 9601 et seq. A member of the TCEQ Preliminary Assessment/Site Inspection Program will contact you to arrange a date to conduct work related to the ESI on your property.

Specifically, the ESI is to determine if there is a "release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare" as described in Section 104 of CERCLA. Authority to conduct this ESI is contained in Section 104(e) of CERCLA, Section 308 of the Clean Water Act, Section 361.182 of the Texas Solid Waste Disposal Act, and Sections 26.014 and 26.015 of the Texas Water Code. Please be aware that this ESI may result in the site being considered for the state or federal Superfund programs.

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The ESI may include reviewing records, taking photographs, and collecting samples. If samples are collected, the owner, operator, or agent in charge of the facility may request a receipt describing the sample collected, and the remaining portion, if any, of any sample collected before the TCEQ representative leaves the facility. Where sample volume or weight allows, the remaining portion will be equal in volume or weight to the portion retained by the TCEQ representative. However, in every case, the TCEQ representative's portion of the sample will be retained first. Please sign and date the **CONSENT FOR ACCESS TO PROPERTY** form and return it to the TCEQ within ten (10) days from the date of this letter in the envelope provided.

Additionally, representatives of TCEQ are authorized to collect information that may be considered confidential. The TCEQ representative must be informed at the time of the ESI that certain records are considered confidential so that appropriate protective measures may be taken.

A copy of the final ESI Report and any analytical data developed as a result of the ESI may be obtained by writing to John Meyer, Risk & Site Assessment (6SF-TR), EPA Region 6, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202.

In future inquiries, to ensure prompt processing, please indicate your site's EPA I.D. number and name as listed. If you have any questions concerning this matter, please contact me at (512) 239-0158 (mail code MC-136).

Sincerely,



for Danielle Sattman Soule, Project Manager
Superfund Section
Remediation Division

DS/cw

Enclosures

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bcc: TCEQ Region #7
Name (6SF-RA)
John Meyer, Risk & Site Assessment (6SF-TR),
AND TCEQ STAFF AS APPROPRIATE